

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

JOSEPH PERCOCO, a/k/a “Herb,”
PETER GALBRAITH KELLY, JR., a/k/a “Braith,”
STEVEN AIELLO, and
JOSEPH GERARDI,

Defendants.

No. S2 16 Cr. 776 (VEC)

DEFENDANTS’ PROPOSED JUROR QUESTIONNAIRE

JUROR NUMBER _____

PLEASE PRINT ALL ANSWERS LEGIBLY IN BLUE OR BLACK INK.

Introduction

The purpose of this questionnaire is to provide information to the Court and to the attorneys in this case—both the prosecutors and the defense attorneys—so that they can determine whether you can serve as a fair and impartial juror in this case. You must give true, candid, and complete answers to every question. This is a criminal case, entitled United States of America versus Joseph Percoco, Peter Galbraith Kelly, Jr., Steven Aiello, and Joseph Gerardi. Briefly summarized, the Government has charged the defendants with public corruption offenses involving the New York State Governor’s Office, including allegations of bribery and extortion. The defendants have pled not guilty and each one is presumed innocent unless and until proven guilty.

JUROR NUMBER _____

Do not discuss this questionnaire or your answers with anyone, including Court personnel and your fellow potential jurors. Please do not leave any questions unanswered. If you do not understand a question, write that on the questionnaire and we will discuss it with you later.

Please write your juror number on the top of each page of the questionnaire. **Do not write your name on the document.** There is an extra page at the back of the questionnaire if you need additional space for your answers. **Do not write on the back of any page of the questionnaire.**

There are no “right” or “wrong” answers; there are only truthful answers. You are sworn to give truthful answers, so you must provide full and accurate information in response to each question.

NOTE: Do not do any research regarding this case. That means you should not “look up” the case or any of the names mentioned in the questionnaire on the Internet or in any other manner. Do not discuss this case, this questionnaire or your answers to the questions with anyone—not your fellow jurors, your family, your employer, or your friends.

JUROR NUMBER _____

Questions

1. Do you or does any member of your family or a close friend personally know or have / have had any dealings with any of the following individuals?

a. The defendants: Joseph Percoco, Peter Galbraith Kelly, Jr., Steven Aiello, or Joseph Gerardi?

☐ Yes

☐ No

If yes, whom do you know?

b. The Acting U.S. Attorney for the Southern District of New York, Joon H. Kim or anyone else who works for or used to work for the U.S. Attorney's Office?

☐ Yes

☐ No

If yes, whom do you know?

c. Any of the Assistant United States Attorneys who are prosecuting this case?

Janis Echenberg

☐ Yes

☐ No

David Zhou

☐ Yes

☐ No

Robert Boone

☐ Yes

☐ No

Matthew Podolsky

☐ Yes

☐ No

If yes, whom do you know?

d. Any of the defense attorneys or law firms who are representing the defendants:

Barry A. Bohrer of Schulte Roth & Zabel LLP

☐ Yes

☐ No

JUROR NUMBER _____

Michael L. Yaeger of Schulte Roth & Zabel LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Andrew D. Gladstein of Schulte Roth & Zabel LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Abigail F. Coster of Schulte Roth & Zabel LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Daniel M. Gitner of Lankler Siffert & Wohl LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Jun Xiang of Lankler Siffert & Wohl LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Samantha J. Reitz of Lankler Siffert & Wohl LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Rachel S. Berkowitz of Lankler Siffert & Wohl LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Stephen R. Coffey of O’Connell & Aronowitz	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Scott W. Iseman of O’Connell & Aronowitz	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Milton L. Williams of Walden Macht & Haran LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Avni P. Patel of Walden Macht & Haran LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, whom do you know?

e. The United States District Court Judge who is presiding over this case, Valerie Caproni, or any of her staff?

☐ Yes ☐ No

If yes, whom do you know?

If you answered “yes” to any of the above questions, please explain how you know the individual(s):

JUROR NUMBER _____

If you answered “yes” to any of the above questions, please state whether your relationship with that person might affect your ability to be fair and impartial in this case:

2. Before today, had you read, seen, or heard anything about criminal charges being brought against Joseph Percoco, Peter Galbraith Kelly, Jr., Steven Aiello, and Joseph Gerardi?

☐ Yes

☐ No

If yes, what do you recall?

If yes, where or from whom did you hear about the case (e.g., a friend, the newspaper, a website)?

3. Before today, had you read, seen, or heard anything about allegations of bribery or corruption against anyone connected to the New York State Governor’s Office?

☐ Yes

☐ No

If yes, what do you recall?

JUROR NUMBER _____

If yes, where or from whom did you hear about these allegations?

4. Based on anything that you might have read, seen or heard about this case or about any allegations of bribery or corruption related to the Governor's Office, have you formed any opinion about any of the defendants that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes

☐ No

☐ Not applicable; I have heard nothing about this case.

If yes, please explain:

5. Based on anything you have read, seen, or heard about this case or about any allegations of bribery or corruption related to the Governor's Office, would you be able to follow the Court's instruction to put that information out of your mind and decide this case based only on the evidence presented at trial?

☐ Yes

☐ No

☐ Not applicable; I have heard nothing about this case.

If no, please explain:

JUROR NUMBER _____

6. Have you followed the news about the trials (last year) of former Speaker of the New York State Assembly Sheldon Silver and/or former Majority Leader of the New York State Senate Dean Skelos, including the fact that their convictions were overturned?

☐ Yes

☐ No

If yes, do you have any feelings about anything you have seen, read or heard?

If yes, please explain:

7. Is there anything about the nature of this case, including the fact that it involves accusations of bribery and corruption by someone associated with the Governor's Office, that would make it difficult for you to be a fair and impartial juror?

☐ Yes

☐ No

If yes, please explain:

JUROR NUMBER _____

8. Do you have any opinions about politicians, government officials, or anyone else who works in government that may affect your ability to be a fair and impartial juror in this case?

☐ Yes

☐ No

If yes, please explain:

9. Have you or has anyone close to you ever made campaign contributions to political candidates?

☐ Yes

☐ No

10. Do you have any feelings about individuals and companies that make relatively large campaign contributions to political candidates?

☐ Yes

☐ No

If yes, please explain:

11. Do you have any opinions about the U.S. Attorney's Office or prosecutors generally that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes

☐ No

If yes, please explain:

JUROR NUMBER _____

12. Do you have any opinions about criminal defense attorneys generally that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes

☐ No

If yes, please explain:

13. Do you have any opinions about lobbyists—people or groups who advocate with government officials on behalf of special interest groups with the intention of influencing decisions made by the government—that might make it difficult for you to be a fair and impartial juror?

☐ Yes

☐ No

If yes, please explain:

14. Do you or does anyone close to you work in the energy industry, or in any field related to the environment and environmental resources?

☐ Yes

☐ No

If yes, please explain:

JUROR NUMBER _____

15. Do you or does anyone close to you work in the construction or real estate industry, or in any field related to those industries?

☐ Yes

☐ No

If yes, please explain:

16. Have you ever had a negative experience personally with any government official (local, state, or federal) or someone from a government official's office?

☐ Yes

☐ No

If yes, please explain:

17. Do you or does any member of your family or a close friend know or have / have had dealings with:

[List to be provided by all parties prior to trial]

☐ Yes

☐ No

If yes, please indicate whom you know and how you know them:

JUROR NUMBER _____

18. Do you have any religious or ethical beliefs that would prevent you from passing judgment on another person?

☐ Yes

☐ No

If yes, please explain:

19. Do you have any difficulty with your eyesight or hearing, or have any medical condition that would make it difficult for you to serve on a jury?

☐ Yes

☐ No

If yes, please explain:

20. Do you have any difficulty reading or understanding the English language?

☐ Yes

☐ No

21. The trial of this case may last up to [] weeks. The jury will sit [] from approximately []. The Court will not sit on Martin Luther King Day, which is Monday, January 15. All jury service involves some degree of hardship. Would service as a juror in this case be a serious hardship for you?

☐ Yes

☐ No

If yes, please explain why serving on the jury for this case would cause you a serious hardship:

JUROR NUMBER _____

Please note: In the event you are excused from service on this jury, you will not be excused from jury service in general. You will instead be required to report to the Court's Jury Clerk for placement on another panel for another case.

I swear (or affirm) that all of the answers provided above are truthful.

Juror Number